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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Thomas Alec Kidwell,

No. CV-13-0770-TUC-BGM

10 Petitioner,

ORDER

11 v.
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13 Charles L. Ryan, *et al.*,

14 Respondents.
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16 On August 11, 2016, this Court issued its Order (Doc. 18) denying Petitioner
17 Thomas Alec Kidwell's *pro se* Petition Under 28 U.S.C. § 2254 for a Writ of Habeas
18 Corpus by a Person in State Custody (Non-Death Penalty) as untimely. On August 29,
19 2016, Petitioner filed his Notice of Appeal to the Ninth Circuit Court of Appeals (Doc.
20 20). On November 23, 2016, the Ninth Circuit Court of Appeal remanded the matter "for
21 the limited purpose of granting or denying a certificate of appealability[.]" Ninth Cir. Ct.
22 App. Case No. 16-17088, Order 11/23/2016 (Doc. 22).
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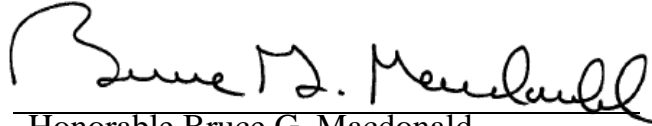
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1 Having reviewed the Court's August 11, 2016 Order (Doc. 18), IT IS HEREBY
2 ORDERED that a certificate of appealability is DENIED, because reasonable jurists
3 would not find the Court's ruling debatable. *See* 28 U.S.C. § 2253.
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5 Dated this 4th day of January, 2017.

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8 Honorable Bruce G. Macdonald
9 United States Magistrate Judge
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